

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DENISE GABLER and  
PETER A. PFAU,**

Plaintiffs,

-vs-

**Case No. 14-C-266**

**CITY OF MILWAUKEE,**

Defendant.

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**DECISION AND ORDER**

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Now before the Court is plaintiffs' motion to extend the discovery and dispositive motion deadlines. In opposition, the City of Milwaukee argues that the case should be dismissed for failure to prosecute and for failure to comply with certain discovery requests.

According to the City, plaintiffs' counsel made no attempt to conduct any discovery from October 20, 2015 until April 12, 2016. Plaintiffs' counsel, however, was dealing with multiple personal and professional issues during that time frame, including the dissolution of her old law firm, sickness, computer problems, a special needs son, and serious injuries suffered by her fiancé in a car accident. Therefore, the Court finds that dismissal for want of prosecution is not justified at this time. *Maynard v. Nygren*, 332 F.3d 462, 467 (7th Cir. 2003) (case can be dismissed under

Rule 41(b) “when there is a clear record of delay or contumacious conduct, or when other less drastic sanctions have proven unavailing. ... A slightly different requirement — a finding of willfulness, bad faith or fault — comes into play when dismissals are used specifically as a discovery sanction under Fed. R. Civ. P. 37”).

**IT IS HEREBY ORDERED THAT** plaintiffs’ motion for an extension of time [ECF No. 29] is **GRANTED**. The discovery deadline is now August 19, 2016, and the dispositive motion deadline is now October 3, 2016. The City’s motion to dismiss [ECF No. 34] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 23rd day of June, 2016.

**BY THE COURT:**

  
HON. RUDOLPH T. RANDA  
U.S. District Judge